

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NICO WOFFORD,

Petitioner,

vs.

CRAIG GABLE, TSCI Warden; and ROB  
JEFFREYS, NDCS Director;

Respondents.

**8:23CV464**

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's Motion for Summary Judgment/Default Judgment. [Filing No. 17](#). Petitioner asks the Court to require Respondent to show cause why an "Order for Default/Summary Judgment should not be issued" because Respondent failed to file a response to Petitioner's habeas petition. *Id.* at 1. As Petitioner acknowledges, the Court's June 27, 2024, progression order, [Filing No. 9](#), required Respondent to file a motion for summary judgment or state court records in support of an answer by August 12, 2024, which deadline was extended to September 11, 2024, upon Respondent's request, [Filing No. 12](#) (text order).

The Court will deny Petitioner's Motion for Summary Judgment/Default Judgment as the Court's records show that Respondent filed a Motion for Summary Judgment, [Filing No. 13](#), a Designation of State Court Records, [Filing No. 14](#), a Statement of Undisputed Material Facts, [Filing No. 15](#), and a Brief, [Filing No. 16](#), in support of the Motion for Summary Judgment on September 11, 2024, in compliance with the Court's orders. The certificates of service on each of Respondent's filings show that the summary judgment documents were mailed to Petitioner at his current address at the Tecumseh State Correctional Institute. See, e.g., [Filing No. 13 at 2](#). If Petitioner still

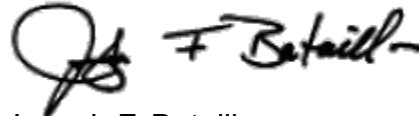
has not received Respondent's summary judgment motion and supporting materials, he should inform Respondent and/or the Court.

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion for Summary Judgment/Default Judgment, [Filing No. 17](#), is denied.
2. Petitioner is advised that he has until **October 11, 2024**, to file and serve his brief in opposition to the motion for summary judgment, unless the Court extends the time in response to a written motion from Petitioner.
3. The Clerk of Court is directed to set a pro se case management deadline using the following text: **October 11, 2024**: Petitioner's brief due.

Dated this 18th day of September, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge